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DATE FILED: 6-11-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KOBRA INTERNATIONAL, LTD.,

Plaintiff,

- against -

BOSTON PAPER, INC. et al.,

Defendants.
-----X

:
: 07 Civ. 9894 (VM)

: CONDITIONAL

: ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendant Richie Tailor, on behalf of the parties, having notified the Court, by letter dated June 9, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the


plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
11 June 2008



VICTOR MARRERO
U.S.D.J.

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June 9, 2008

BY FACSIMILE (212-805-6382)

Honorable Victor Marrero
United States District Court for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

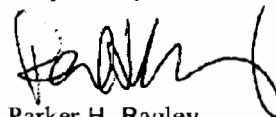
Re: ***Kobra International, Ltd. v. Boston Proper, Inc., et al.***
Case No.: 07 Civ. 9894

Dear Judge Marrero:

We are counsel to the defendant Richie Tailor, Inc. in the above action. We write to request an adjournment of the case management conference scheduled for June 13, 2008 to July 7, 2008 or later. This is the third request for adjournment of the case management conference. This further extension is sought on the basis that, on June 5, 2008, the parties reached agreement in principle to a settlement of the litigation involving the dismissal of all claims. The parties require additional time to finalize and execute the settlement documents.

Counsel for the Plaintiff, Kobra International, Ltd. d/b/a Nicole Miller, Ltd., and counsel for defendant Boston Proper, Inc., consent to the adjournment.

Respectfully,



Parker H. Bagley

cc: Deidre D. Blocker, Esq. (by facsimile 212-309-9598)
Scott M. Kessler, Esq. (by facsimile 212-880-8965)